

MAGISTRATE JUDGE FRENSELY COURTROOM MINUTES FOR CRIMINAL  
PROCEEDINGS by VIDEOCONFERENCE

U.S.A. v. Josiah Garcia, No. 3:23-mj-2033

ATTORNEY FOR GOVERNMENT: Brooke Schifano

ATTORNEY FOR DEFENDANT: David Fletcher APPD Panel Retained

PRETRIAL SERVICES/PROBATION OFFICER: Kim Hancy for Tianna Rozek

INTERPRETER NEEDED? YES ☒ NO ☐ LANGUAGE/INTERPRETER: \_\_\_\_\_  
☐ PRESENT ☐ ON TELEPHONE

☐ Defendant consents to IA and ☐ All future hearings before the Magistrate Judge by video conference.

☐ INITIAL APPEARANCE ☐ ON A SUMMONS ☐ ARRESTED ON: \_\_\_\_\_

DEFENDANT HAS A COPY OF:

- ☐ Complaint ☐ Indictment ☐ Information ☐ Supervised Release Pet. ☐ Other \_\_\_\_\_  
☐ Defendant advised of the charges and the maximum penalties ☐ Defendant has a copy of notice of rights  
☐ Defendant advised of right to counsel ☐ Counsel retained  
☐ Defendant sworn and/or certified under penalty of perjury and financial affidavit filed ☐ FPD Appointed  
☐ Defendant advised of right to silence ☐ Defendant advised of right to **Consular notification**  
☐ GOVERNMENT and DEFENDANT advised of Due Process Protections Act of 2020  
☐ Defendant advised of right to preliminary hearing ☐ Defendant waived preliminary hearing  
☐ Defendant waived rights under IAD ☐ Defendant to be returned to State custody  
☐ Government motion for detention ☐ Defendant temporarily detained  
☐ Defendant waived detention hearing ☐ ICE detainer on defendant  
☐ Defendant reserved right to hearing in future  
☐ Defendant to remain in Federal custody  
☐ Defendant remain on current conditions of supervised release  
☐ Defendant ordered to psychological/psychiatric evaluation  
☐ Defendant released on:

☐ Own recognizance with conditions of release ☐ standard ☐ special

☐ Appearance bond in the amount of: \_\_\_\_\_

☐ Property bond [description of property]: \_\_\_\_\_

☐ **RULE 5** - Defendant advised of right to identity hearing ☐ Defendant waived identity hearing

☐ **RULE 5** - Defendant reserved right to have preliminary hearing in District of Prosecution

☐ **RULE 5** - Defendant elected to have detention hearing in District of Prosecution

☐ **RULE 5** - DEFENDANT ADVISED OF RIGHT TO RULE 20 TRANSFER

☐ **PRELIMINARY/DETENTION/ARRAIGNMENT CONTINUED TO:** \_\_\_\_\_

☐ **GRAND JURY WAIVED IN OPEN COURT** [Defendant sworn and advised of rights by Court]

☐ **ARRAIGNMENT**

☐ Defendant acknowledges he/she has copy of Indictment/Information ☐ Court advised Def. of penalties

☐ Defendant waives reading thereof ☐ Indictment/Information read to defendant by Judge

**PLEA:** ☐ **GUILTY** ☐ **NOT GUILTY** ☐ Defendant intends to plead guilty and case referred to DJ

**DATE:** 4.18.23

**BEGIN TIME:** 1:06 pm

Digitally Recorded

**TOTAL TIME:** 2 hours 32 minutes

**END TIME:** 3:38 pm

☐ **RULE 5 IDENTITY HEARING**

- ☐ Held, defendant found to be person named in warrant  
☐ Held, defendant found NOT to be person named in warrant and released  
☐ Waived in open Court

☐ **PRELIMINARY HEARING**

CONTINUED TO: \_\_\_\_\_

- ☐ Probable Cause found/Held to answer/bound over ☐ Discharged from custody  
☐ Defendant waived preliminary hearing  
☐ RULE 5 - Held to answer in District of Prosecution  
☐ RULE 5 - Defendant reserved right to have hearing in District of Prosecution

☒ **DETENTION HEARING**CONTINUED TO: 4.19.23 at 1:pm in Courtroom 5B.

- ☐ Government withdrew motion for detention or agreed to release  
☐ Pretrial Services Report made a part of the record ☐ Counsel moved to retain copy of PTSR/granted  
☐ Bond set at: \_\_\_\_\_ ☐ Defendant released on [date]: \_\_\_\_\_  
☐ RULE 5 - Defendant elected to have hearing in District of Prosecution  
☐ Defendant waived detention hearing ☐ Defendant reserved right to hearing in future  
☐ Defendant detained, order to enter ☐ ICE detainer pending  
☐ Defendant to remain in Federal custody ☐ Defendant to be returned to State custody  
☐ Government moved for stay of execution of release pending appeal  
☐ Motion granted ☐ Motion denied  
☐ Defendant advised of right to appeal

☐ **ARRAIGNMENT ON MISDEMEANOR**

- ☐ Defendant acknowledges he/she has copy of Indictment/Information  
☒ Indictment/Information read to defendant by Judge ☐ Defendant waives reading thereof

PLEA: ☐ **GUILTY** ☐ **NOT GUILTY**

- ☐ Misdemeanor - defendant consented to trial before Magistrate Judge  
☐ Written plea agreement/filed in open Court ☐ Oral plea agreement  
☐ Guilty plea: ☐ Accepted ☐ Rejected ☐ Taken under advisement

☐ **OTHER**

- ☐ Type of hearing and outcome: \_\_\_\_\_

☐ **DEFENDANT DID NOT APPEAR AS DIRECTED, BENCH WARRANT ISSUED**☒ **Witness and Exhibit List attached**

NOTES/EVIDENTIARY MATTERS/SENTENCING:

(Witnesses, Exhibits, Attach W/Ex List if necessary)